

[Dkt. No. 21]

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA,

v.

AMITKUMAR KANUBHAI PATEL

Crim. No. 20-613 (RMB)

SUPPLEMENTAL OPINION

APPEARANCES:

Jason M. Richardson, Assistant United States Attorney
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On behalf of the United States

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On behalf of Defendant

BUMB, United States District Judge

This matter comes before the Court after oral argument on the supplemental briefs filed by the parties (Govt's Brief, Dkt. No. 44; Def's Brief, Dkt. No. 45) in response to this Court's Opinion and Order dated February 18, 2022 (Dkt. Nos. 42, 43), provisionally granting Defendant's motion to dismiss the Indictment, subject to additional briefing and oral argument. At oral argument, the Government attempted to clarify the prosecution's theory. This Court understands the prosecution to allege that when Defendant failed to return to the United States in August 2017, he interfered with Poonamben Patel's ability to have any

parenting time with her child, in violation of 18 U.S.C. § 1204. Thus, the Government is not alleging that a custody order was violated, but that Defendant, by not returning to the United States when Poonamben Patel expected, obstructed her from having any parenting time. This theory, as narrowed by the Government, appears to fall within the parameters of § 1204.

Finally, the parties have presented conflicting evidence regarding Poonamben Patel's consent to Defendant's move to India, and consequently, their agreement as to parenting time. Therefore, for the reasons set forth on the record, this Court will not enter an order dismissing the Indictment and the case will proceed to trial.

DATED: May 31, 2022

s/ Renée Marie Bumb
RENÉE MARIE BUMB
United States District Judge